

court, Mitchell, Reed, Selman, and Wheeler—[9]. So the President was sustained.

The yeas and nays were then taken on the main question and the bill ordered to be engrossed by the following vote:

YEAS—Messrs. Batte, Burnett, Cook, Crawford of Fanin, Crawford of Jasper, Darden, Durant, Guinn, Hartley, Houston, Jordan, Moore, Parsons, Scarborough, Shepard, and Weatherford—16.

NAYS—Messrs. Boyd, Branch, Casey, Dickson, Erath, Finlay, Graham, Harcourt, Lea, Mitchell, Reed, Selman, and Wheeler—13.

On motion of Mr. Parsons the Senate adjourned until 10 o'clock A. M. tomorrow.

Tuesday, December 3, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Branch presented the memorial of George W. Paschal in relation to a digest of the laws. Referred to Judiciary Committee.

Mr. Harcourt, Chairman of the Judiciary Committee, made the following report:

The Judiciary Committee have considered a bill to validate and confirm the official acts of J. M. Connelly, Sheriff of Cass County, and direct me to report the same back and recommend that it do not pass.

The object of the bill is to legalize such official acts of the Sheriff of Cass County as were performed by his deputy during the time that the Sheriff was holding a military appointment in the military service of the country. The committee are of opinion that the passage of the act proposed could not give any validity to the acts of the sheriff if they were in fact invalid on account of the Constitutional prohibition against any one person holding two offices. But the acts of the deputy may be sustained without any legislation upon the ground that he was *de facto* the Sheriff of Cass County, and his official acts could not be collaterally impeached.

Also reported a bill to regulate the inspection of flour and recommended its passage with an amendment; and a bill to amend the 10th and 23rd sections of an Act to reduce into one and amend the several Acts concerning executions with amendment as follows recommending its adoption and the passage of the bill: strike out the words "ten per cent per month" and insert "20 per cent on the the principal debt and interest."

Mr. Hartley, Chairman of the Committee on State Affairs, reported a bill to amend the 2nd and 3rd sections of an Act to incorporate the Southern Cotton Press Company and recommended its passage.

Mr. Guinn, Chairman of the Committee on Claims and Accounts, made the following report:

The Committee on Claims and Accounts to whom was referred a bill for the relief of Samuel Binding have considered it and find the facts to be the said Binding was a private in Captain Hamner's company from Jack County. Said company was called out by Governor Sam Houston on or about the 6th of April, 1860, and served two months and was mustered out by the Chief Justice of Jack County on or about the 6th day of June of the same year because the Governor would not commission the said Captain Hamner. During the Spring the said Binding was sent into Jacksborough for some provisions having staked his horse out and before he got the provisions the Indians rushed into the town and stole said Binding's horse with some others.

The committee find no law or precedent in the State or Confederate government that authorizes the payment of this class of claims. They have instructed me to report it back and ask that it do not pass.

The Committee on Claims and Accounts to whom was referred the petition of Garrett F. Lankford asking for pay for 331 bushels of corn furnished Captain N. T. Journey's company of Rangers, Colonel Daniel Montague's regiment, in the year 1838 and 1839 at three dollars and fifty nine cents per bushel making in all \$1155.19.

A majority of the committee have instructed me to report the accompanying bill granting him 960 acres of land and recommend its passage. Read 1st time.

The Committee on Claims and Accounts to whom was referred the petition of W. W. Buster asking the Legislature to pay him for the loss of a horse that was shot by order of Colonel M. T. Johnson because the horse gave out have considered all the facts of the case and have come to the conclusion that it would be inexpedient to pay such claims. It is true the horse was shot by order of the colonel commanding the regiment but the committee are not satisfied that the petitioner used proper diligence in attending to and caring for him. They have therefore instructed me to return the petition and ask that the relief be not granted.

Mr. Hartley introduced a bill to amend the 14th section of an Act to incorporate the Houston, Trinity, and Tyler Railroad Company. Read 1st and 2nd times and referred

to Committee on Internal Improvements. Also a bill to provide for the defense of the State. Read 1st and 2nd times and referred to Committee on Militia and Military Affairs.

Mr. Burnett introduced a bill authorizing the County Court of Houston County to relinquish certain signers on a note given to defray the expenses of Captain E. Currie's Company, Texas Volunteers to Virginia, or to levy a special tax to replace the money loaned said Company. Read 1st and 2nd times and referred to Judiciary Committee.

A bill to endow professorships of seminaries and colleges being the special order came up on report of Committee on Education. Read 2nd time.

Mr. Burnett moved to postpone the bill until Monday 10 o'clock. Lost. The amendment offered some days since by Mr. Weatherford was on motion of Mr. Branch laid on the table by the following vote:

YEAS—Messrs. Batte, Branch, Cook, Dickson, Erath, Finlay, Harcourt, Hartley, Houston, Jordan, Lea, Mitchell, Reed, Scarborough, Selman, and Shepard—16.

NAYS—Messrs. Boyd, Burnett, Casey, Crawford of Fanin, Crawford of Jasper, Darden, Durant, Graham, Weatherford, and Wheeler—10.

Mr. Darden offered the following amendment: "provided that not more than one college or seminary shall be entitled to the benefit of the provisions of this Act in the same county."

Mr. Shepard moved to lay the amendment on the table.

Mr. Parsons moved to lay the bill and amendment on the table.

Mr. Darden called a division of the question. The motion was put to lay the bill on the table and resulted as follows:

YEAS — Messrs. Boyd, Burnett, Casey, Crawford of Jasper, Dickson, Durant, Graham, Guinn, Harcourt, Hartley, Houston, Obenchain, Parsons, Selman, and Weatherford—[15].

NAYS—Messrs. Batte, Branch, Cook, Crawford of Fanin, Darden, Erath, Finlay, Jordan, Lea, Mitchell, Moore, Reed, Scarborough, and Shepard—14.

Mr. Hartley moved to reconsider the vote by which the engrossment of the bill suspending all laws for the collection of debts was ordered, and thereupon moved to adjourn until tomorrow morning at 10 o'clock, lost by the following vote:

YEAS—Messrs. Boyd, Casey, Cook, Dickson, Finlay, Graham, Hartley, Lea, Mitchell, Obenchain, Selman, and Wheeler—12.

NAYS—Messrs. Batte, Burnett, Crawford of Fannin, Crawford of Jasper, Darden, Durant, Erath, Guinn, Houston, Jordan, Moore, Parsons, Reed, Scarborough, Shepard, and Weatherford—16.

On motion of Mr. Erath the Senate adjourned until 7 o'clock P. M.

7 o'clock P. M.

Senate met, roll called, quorum present.

Mr. Hartley moved a call of the Senate which was sustained.

Mr. Crawford of Jasper moved to suspend the call. Lost.

ORDERS OF THE DAY

Resolution to raise a committee of nine on agriculture. Read. Mr. Hartley moved to strike out "9" and insert "5" carried, and resolution adopted.

Joint resolution instructing delegations in Congress to procure a Military Department for eastern Texas. Read 2nd time and referred to Committee on Militia and Military Affairs.

Mr. Shelley's substitute for the 33rd rule was read and adopted.

A bill for the relief of master builders and mechanics. Read 2nd time. Mr. Guinn moved to postpone until Monday, 11 o'clock A. M.

Mr. Hartley moved to suspend the call of the Senate. Carried, whereupon Mr. Hartley's motion to reconsider made this morning was put and lost by the following vote:

YEAS — Messrs. Boyd, Casey, Finlay, Graham, Harcourt, Hartley, Lea, Mitchell, Obenchain, Reed, Selman, and Wheeler—12.

NAYS—Messrs. Batte, Branch, Burnett, Crawford of Fannin, Crawford of Jasper, Darden, Durant, Erath, Guinn, Houston, Jordan, Moore, Parsons, Scarborough, Shepard, and Weatherford—16.

Mr. Burnett moved to suspend the rule and put the bill on its final passage. Lost.

A bill granting Solomon Wolfe the privilege of constructing a toll bridge across the Angelina River. Read 2nd time and ordered to be engrossed.

A bill to authorize the Governor to appoint an agent for the Alabama and Coushatta Indians, &c. Read 2nd time and ordered to be engrossed.

A bill to raise jurors' fees to \$2 per day and pay them mileage, on report of committee recommending that it do not pass. Read 2nd time and report adopted.

A bill to authorize and require the Comptroller to audit

and settle the accounts of quartermasters appointed for the several camps of instruction, &c. Read 2nd time and on motion of Mr. Guinn laid on table.

A bill granting certain power to the mayor of the town of Mt. Vernon in Titus County. Read 2nd time and ordered to be engrossed.

House substitute for Senate bill legalizing the acts of certain officers of Newton County. Read, rules suspended and passed.

House bill to incorporate the Rio Grande Female Institute. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed by a constitutional vote.

A message was received from the House informing the Senate of the passage of the following bills:

A bill supplemental to an act for the relief of Myrum Mudget, Daniel Hitchins, A. S. Spencer and E. J. Cantwell. Read 1st and 2nd times. Referred to Private Land Claims.

A bill for the relief of the heirs of Harvey Murphy. Read 1st and 2nd times and referred to Private Land Claims.

A bill to authorize the clerks of the various county courts to demand and receive the fees for recording instruments of writing before filing the same. Referred to Judiciary Committee.

A joint resolution relative to retaliation. Rules suspended and passed.

A bill to prevent the sale of vinous, spirituous or intoxicating liquors within one mile of the centre of the town of Alto. Referred to Judiciary Committee

A bill for relief of the heirs of Isaac Pierson. Referred to Committee on Private Land Claims.

A bill to amend an act to authorize the formation of county and town agricultural societies approved February 8, 1860. Referred to Committee on State Affairs.

A bill attaching the Counties of Clay and Wichita to the County of Montague for judicial purposes. Referred to Judiciary Committee.

A bill for relief of Noah Cox. Rules suspended and passed.

A bill to provide for the protection of the frontier of the State of Texas. Read 2nd time and on Mr. Erath's motion made special order for Thursday 5th instant at 11 o'clock A. M.

A bill to create the County of Kendall. Read 2nd time and ordered to be engrossed. Rule suspended, read 3rd time and passed.

A bill to change the boundaries of Blanco and Kerr Counties. Read 2nd time and ordered to be engrossed. Rule suspended, read 3rd time and passed.

A bill to establish the boundaries of the State of Texas. Read 2nd time and made the special order for Friday 11 o'clock A. M.

A bill for relief of A. H. Cook. Read 2nd time and laid on table.

A bill to amend 16th section of an Act regulating elections. Read 3rd time and passed.

A bill for the relief of the heirs of Charles Clark. Read 2nd time and ordered to be engrossed.

Joint resolution in relation to the suspension of the customs houses. Read 2nd time and passed to 3rd reading. Rule suspended, read 3rd time and passed.

A bill to amend an Act to incorporate the Jefferson Insurance Company. Read 2nd time and passed to 3rd reading. Rule suspended, read 3rd time and passed by a constitutional vote.

A bill relating to forfeitures in certain cases of bail bonds and recognizances in cases of misdemeanor. Read 3rd time and passed.

A bill making appropriation of \$8000 to defray contingent expenses, 9th Legislature. Read 2nd time. Amendments reported by Committee on Finance, adopted and bill ordered to be engrossed. Rule suspended, read 3rd time and passed.

Joint resolution proposing an amendment to the State Constitution. Read 2nd time, amendments proposed by Committee on State Affairs, adopted and bill ordered to a 3rd reading.

A bill to protect the wool growing interest. Read 2nd time and laid on table.

A bill to authorize the Governor to appoint Commissioners of Deeds in the Choctaw and Chickasaw Nations of Indians. Read 2nd time, substitute offered by Judiciary Committee, adopted.

Mr. Selman offered the following amendment: after "Texas" in the 8th line of 4th section add the words "or Arkansas." Adopted and bill ordered to be engrossed.

A bill to regulate the entry of headrights by the county courts of the State. Read 2nd time and recommitted to Judiciary Committee.

A bill reducing the price of the public domain. Read 2nd time and made special order for Wednesday evening at 7 o'clock.

On motion of Mr. Parsons, Mr. Crawford of Jasper was added to the Committee on Internal Improvements.

Mr. Hartley by leave introduced a bill to provide for the printing of Treasury warrants. Read 1st and 2nd times and referred to Finance Committee.

On Mr. Erath's motion the Senate adjourned until 10 o'clock A. M. tomorrow.

Wednesday, December 3, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

On motion of Mr. Parsons the Doorkeeper was excused from service today on account of indisposition.

Mr. Shelley presented the memorial of Thomas E. McNeil. Referred to Committee on Militia and Military Affairs.

Mr. Weatherford, Chairman of Committee on Private Land Claims, reported a bill for relief of heirs of N. B. Cooper and recommended that it do not pass.

Mr. Harcourt, Chairman of the Judiciary Committee, reported a substitute for a bill to prescribe the time and manner of electing Confederate State Senators and recommended its adoption and passage.

Mr. Crawford of Jasper, Chairman of Committee on Enrolled Bills, reported the following correctly engrossed:

A bill suspending all laws for the collection of debts, &c., &c.

Mr. Darden from Committee on Roads, Bridges, and Ferries, reported a bill supplemental to an Act to incorporate the West Fork Bridge Company and recommended that the 2nd section be stricken out.

A bill to authorize and require the Comptroller to audit the accounts of quartermasters appointed for the several camps of instruction was taken up on Mr. Shelley's motion and ordered to be engrossed. Rule suspended, read 3rd time and passed.

A bill suspending all laws for the collection of debts, &c. Read 3rd time. Mr. Harcourt offered the following amendment: "and provided further that this Act shall not be so construed as to interfere with the action of the Supreme Court in deciding all cases as required by law." Adopted.

The bill was then passed by the following vote:

YEAS—Messrs. Batte, Branch, Burnett, Cook, Crawford of Fannin, Crawford of Jasper, Darden, Durant, Guinn, Houston, Jordan, Moore, Parsons, Scarborough, Shepard, and Weatherford—16.

NAYS—Messrs. Casey, Dickson, Erath, Finlay, Graham, Harcourt, Hartley, Lea, Mitchell, Obenchain, Reed, Selman, Shelley, and Wheeler—15.